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September 16, 2015

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**JOINT APPLICATION  
FOR NEW TRIAL DATE**

**Re: Sea Trade Maritime Corp., et al. v. Coutsodontis, et al.**  
**Civil No. 09-488 (LGS) (HBP)**

Dear Judge Schofield:

On Monday, the Court entered a Scheduling Order in the above-referenced matter setting down a bench trial for November 16, 2015 (with earlier dates for pretrial submissions). Please accept this letter in lieu of a more formal motion (submitted on behalf of all parties) asking the Court to re-schedule the trial date to the week of January 18, 2016 (or later) (with pretrial submission dates adjusted accordingly). The basis of this request is twofold.

First, I am lead counsel in a securities arbitration scheduled for the full week of November 16-20 in Miami, Florida. The arbitration was scheduled by the AAA over a year ago to accommodate the schedules of the three AAA arbitrators and all counsel in the matter. Because the securities matter is quite complex, preparing for the arbitration hearing will consume essentially all of my time in the weeks leading up to the hearing dates (which is when pretrial submissions currently are due). Realistically, I will not be able to meet the pretrial submission dates set by the Court or be present in New York for trial the week of November 16, 2015.

Second, the Court may recall that I substituted as trial counsel for Defendant Coutsodontis just within the past few weeks. Because I did not participate in discovery or brief any of the substantive motion practice, it will take me more time than usual to digest the pretrial record as necessary to prepare pretrial submissions and for trial. Therefore, even if I were able to persuade the AAA to reschedule the arbitration hearing (which I do not believe is possible) the November 15, 2015 trial date will

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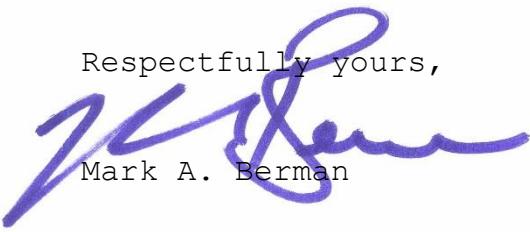
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make it very difficult for me to adequately prepare for trial and to prepare all of the required pretrial submissions.

Last week, adversary counsel and I actually had conferred regarding scheduling and agreed that we would jointly ask the Court to schedule trial for the week of January 18, 2016, or at any other time thereafter convenient for the Court. We respectfully ask the Court to grant this joint application.

Thank you very much for your kind consideration of this request and the reasons for it.

Respectfully yours,

  
Mark A. Berman

cc: All Counsel of Record (via ECF)